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AN ENVIRONMENTAL AND ENERGY LAW PRACTICE

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January 17, 2013

Via Overnight Mail
Chief, Environmental Enforcement Section
United States Department of Justice
Environmental and Natural Resources Division
601 D Street, NW, Room 2121
Washington, DC 20004
Attn: Nancy Flickinger, Esquire

Re: U.S. v. Hovnanian Enterprises, Inc.
DOJ No. 90-5-1-1-08709

Dear Ms. Flickinger:

In accordance with Paragraph 69 of the Consent Decree entered into in the above-referenced matter, Hovnanian Enterprises, Inc. ("Hovnanian") by and through its undersigned counsel, requests Federal Plaintiff's agreement to a Minor Appendix Modification[1] as described more fully below.

Paragraph 19(a) of the Consent Decree provides that Hovnanian shall implement the Storm Water Training Program attached as Appendix H, and further that the Storm Water Training Program shall include employee storm water training, Storm Water Compliance Representative training, and annual refresher training. Stormwater USA, the company that Hovnanian uses to provide instruction for the Storm Water Compliance Representative training pursuant to Paragraph 19(b)(i), has provided Hovnanian with an updated course syllabus. The course is now 8 hours long (whereas previously it was 6 hours long) and incorporates current information regarding the 2012 Construction General Permit.

We request that the enclosed syllabus for the updated course, which is titled "ESC314 – Certified Compliance Inspector of Stormwater (CCIS®) K. Hovnanian®," replace the "Technical Training" syllabus currently found on pages H-2 and H-3 of Appendix H. Also enclosed please find copies of the resumes for the Stormwater USA instructors, which are formatted slightly different than they were previously, to replace pages H-4 through H-8 of Appendix H.

[1] Capitalized terms in this letter are defined in the Consent Decree.

Lists of the new examination questions for the updated course are also enclosed. You will note that there is a column labeled "Mandatory" on each of these lists, and each question on the list indicates that it is *not* mandatory. By way of clarification, this does not mean that the written test is not mandatory; pursuant to Paragraph 19(a)(iii), all trainees are required to take the written test and score at least 75%. Instead, this means that no one question itself is mandatory on a given test: each time the computer generates a test for the trainee, it will pull 25 questions at random from the pool of potential questions.

We also have copies of the actual questions and multiple choice options that would be posed to the trainees, which would replace the pages currently provided in pages H-14 through H-50. However, because it would take approximately 500 pages to print all of the potential questions out, we have not included them here. Upon your request, we will provide paper or electronic copies of the questions and their answers.

Please note that the pages in Appendix H describing Hovnanian's Process Training, Refresher Training, and Stormwater Training for Non-Site Reps (Employees), found in pages H-9 through H-12 of Appendix H, are not being updated at this time and should remain the same.

Thank you in advance for your consideration of this request for a Minor Appendix Modification to the Consent Decree. If you agree to this request, we would request a written approval for our files. As always, please feel free to contact me if you have any questions.

Sincerely,

Bridget L. Dorfman
For MANKO, GOLD, KATCHER & FOX, LLP

JER/bld
Enclosures
Exhibit: Requested Minor Modification to Appendix H

cc: Lori Kier, Esquire – EPA Region III (w/enclosures)
Mr. Chuck Schadel – EPA Region III (w/enclosures)
Director, Water Enforcement Division – EPA Headquarters (w/enclosures)
Mr. Dean Potter (w/enclosures)

ESC314 - Certified Compliance Inspector of Stormwater (CCIS®) K. Hovnanian®
8 hours - 8 PDHs / 0.8 CEUs

The 8-hour, Certified Compliance Inspector of Stormwater (CCIS®) K. Hovnanian® training course educates individuals on how to properly implement, inspect, and maintain a construction site for stormwater compliance.

This training covers the principals and practices of erosion and sediment control, pollution prevention as well as the proper reporting and documentation requirements for ensuring compliance under the NPDES Construction General Permit. This course has been reviewed and recognized by the EPA and is a Level 300 United States Green Build Council approved course.

Learning Objectives for Certified Compliance Inspector of Stormwater (CCIS®) K. Hovnanian®:
The K. Hovnanian CCIS® stormwater management training course will provide individuals with a fundamental knowledge of all aspects of erosion and sediment control so they can:

- Inspect the entire site and determine possible causes of BMP ineffectiveness and how to correct them.
- Describe and understand proper installation and maintenance of best management practices.
- Communicate the complete information on an inspection report of not only what the noncompliance was but also when and how it was resolved.
- Make proper and informed decisions when reviewing a SWPPP at the site for compliance.
- Understand the teamwork and communication necessary between owner, operators, contractors and SWPPP designer so the site stays in compliance throughout the construction project.

Required Learning Modules:
- Federal Construction General Permit (Part I and II)
- Principles and Practices of Erosion Control
- Principles and Practices of Sediment Control
- Principles and Practices of Pollution Prevention
- On-site Construction Inspections

Learning Module Descriptions and Outlines:

Federal Construction General Permit (Part I of II)
Stormwater USA's course on the 2012 Federal Construction General Permit (CGP) will educate and prepare an operator of a construction site how to comply with the mandates of the current federal permit. Due to the complexity of the 2012 Federal CGP, this course is broken down into two separate training modules.

1.0 - NPDES & Construction General Permit History
- 1.1 - Water Pollution Control Act
- 1.2 - Timeline of Events: The 1960s
- 1.3 - Clean Water Act
- 1.4 - NPDES Program
- 1.5 - Phase I Construction
- 1.6 - TMDL and Impaired Waters
- 1.7 - Phase II Construction

2.0 - General Permit Definitions
- 2.1 - Construction General Permit
- 2.2 - Notice of Intent (NOI)
- 2.3 - Permit Authorization or Coverage
- 2.4 - Notice of Termination (NOT)

12.5 - Bypasses and Upsets

13.0 - Appendix Guide

13.1 - Appendix A: Definitions and Acronyms
13.2 - Appendix B: Areas Eligible For Coverage
13.3 - Appendix C: Small Construction Waivers
13.4 - Appendix D: Endangered Species Act
13.5 - Appendix E: Historic Properties
13.6 - Appendix F: Impaired Water Tier System
13.7 - Appendix G: Buffer Guidance
13.8 - Appendix H: 2-Year, 24 hour Storm Events
13.9 - Appendix I: Standard Permit Conditions
13.10 - Appendix J: Notice of Intent (NOI) Instructions
13.11 - Appendix K: Notice of Termination (NOT) Instructions

Principles and Practices of Sediment Control Outline:

Stormwater USA's course on The Principles and Practices of Sediment Control will educate and prepare an individual to identify and properly implement Best Management Practices (BMPs) to control sediment on construction sites. The training module will feature chapters that discuss:

1.0 - Sediment Control

2.0 - Silt Fence

2.1 - Installation Methods
2.2 - Alternative Perimeter Controls

3.0 - Wattles

3.1 - Types of Wattles
3.2 - Wattle Details

4.0 - Check Dams

4.1 - Proper Installation and Spacing
4.2 - Types of Check Dams

5.0 - Energy Dissipation

5.1 - Level Spreaders
5.2 - Slope Drains
5.3 - RipRap

6.0 - Inlet Protection Devices

6.1 - Inlet Protection Devices
6.2 - Inlet Protection Device Details

7.0 - Polyacrylamides (PAMs)

7.1 - Polyacrylamides (PAMs) Explained
7.2 - Flocculent Polymers

8.0 - Sediment Ponds

8.1 - Types of Sediment Ponds
8.2 - Pond Dewatering
8.3 - Outlets and Short Circuiting
8.4 - Turbidity Curtains

Principles and Practices of Pollution Prevention Outline:

Stormwater USA's course on The Principles and Practices of Pollution Prevention will educate and prepare an individual to identify and implement proper Best Management Practices (BMPs) to control and prevent pollution on construction sites. The training module will feature chapters that will discuss:

1.0 - Good Housekeeping

1.1 - Construction Site Waste
1.2 - Handling Construction Site Waste

2.0 - Material Storage
- 2.1 - Material Delivery and Storage
- 2.2 - Fuel Storage and Secondary Containment
- 2.3 - Vehicle Maintenance

3.0 - Concrete Washout
- 3.1 - Concrete Washout Defined
- 3.2 - Concrete Washout Areas and Systems

4.0 - Spill Reporting
- 4.1 - Spill Reporting and Clean Up
- 4.2 - Spill Kits and Spill Centers

5.0 - Phasing BMPs and Sequencing of Construction
- 5.1 - Phasing BMPs
- 5.2 - Sequencing Construction

6.0 - Dust Control
- 6.1 - Dust Control Defined
- 6.2 - Dust Control Methods

7.0 - Track-Out
- 7.1 - Track-Out Defined
- 7.2 - Designs, Devices and Maintenance

On-Site Construction Inspections:

Stormwater USA's course for On-site Construction Inspections will educate and prepare an individual to thoroughly and properly inspect construction sites for stormwater compliance. The training module will feature chapters that will discuss:

1.0 - Inspection Rules and Protocol

2.0 - SWPPP and Paperwork Inspection
- 2.1 - Paperwork Overview and Inspection Requirements
- 2.2 - Inspecting The SWPPP

3.0 - Site Inspection
- 3.1 - Inspecting On-Site Documentation
- 3.2 - Inspecting On-Site Best Management Practices (BMPs)

4.0 - Notice of Termination (NOT)
- 4.1 - Filing Requirements

4.2 - Final Inspections

January 25, 2010

Laurie Demers

25 Marlborough Dr.
Bella Vista, AR 72714

Phone: 479-855-0613
Cell: 479-381-6797
Email: LDemers@stormwaterusa.com

EDUCATION

1994 University of New Hampshire, B.S. Civil Engineering
1992 Technical University of Budapest, Hungary, exchange student fall semester
1991 New Hampshire Technical Institute, A.S. Architectural Engineering Technology

2007 – PRESENT PROFESSIONAL EXPERIENCE

2007-2010 **President, Stormwater USA, LLC:** Online stormwater compliance education and certification for the construction industry. Created from just an idea, Stormwater USA is a profitable company. The online environment creates mass efficiencies in both education and resources to assure the greatest success at environmental compliance on construction sites, regardless of the state that they are located. Combining a robust learning management system (LMS) with a large organized library of information, the product provides a cost effective and sustainable solution for stormwater management. Today we have 2479 users. Average price point $350.00. All students are tracked in a robust data base system. All students are surveyed to maximize improvement. 98% of our students would recommend our classes to others.

Largest clients: The Home Depot, K. Hovnanian Homes, and The City of Kansas City, MO. We are a US Green Build Council (USGBC) Level 300 education provider. Our classes are specified in 4 EPA Consent Orders.

1996 – 2007 PROFESSIONAL EXPERIENCE WAL-MART STORES, INC.

2005-2007 **Sr. Construction Manager Distribution Center Construction:** Full time onsite owner's representative. Largest project: Alachua, FL. Managed Wal-Mart staff of up to 4 people. The daily contractor's staff was up to 40 Managers, and 340 trade workers. Construction site size 237 Acres, building size 1.1 million SF. Overall project budget $120 Million. Construction contract budget $58 Million. Managed value engineering for site adapt $1.2 million savings. Responsible for safety program with ZERO lost time accidents. Responsible for all quality, budget, and schedule. Project delivered on time and under budget.
Other Distribution Projects Supported: Import Distribution Center 1 mil SF expansion in VA; mechanized rack supported grocery distribution centers in OK, PA and FL.

2004-2005 **Director of Realty Construction:** A subset of distribution center construction. Responsible for overseeing the design and construction management staff of 14 people and the department P&L budget. Project portfolio included. Home office construction - Multi Story offices and double redundant 16 Megawatt data center (budget $110 million), corporate airport design, fitness facilities. Distribution center special projects; dark store tenant build out program; supercenter vestibule tenant program; most miscellaneous construction for operating stores and facilities.

2003-2004 **Construction Director, New Stores:** Responsible for delivering overseeing the design and construction staff of up to 8 people for new and expansion supercenters, Sam's Clubs and Neighborhood Markets for the North and Northeast Team. 35-45 projects under construction at any given time. Construction contract value $3 million to $15 million per project.

2001-2003 **Sr. Construction Manager:** The first person at Wal-Mart to earn this title. Owner's representative, responsible for the overall quality, budget, and schedule performed by general contractors throughout the United States. Projects included mostly large complex supercenter expansions to operating stores; as well as new stores and acquisition stores. Construction contract value $4 million to $10 million.

1999-2001 **Manager of Stormwater Compliance:** United States of America. vs. Wal-Mart Stores, Inc., Federal Consent Decree. The original manager responsible for the research, development, implementation and management training for the NPDES stormwater requirements for federal, state and consent decree specific laws and mandates. The core procedures I created at the time are still in use today.

1996-1999 **Construction Manager:** Owner's representative, responsible for the overall quality, budget, and schedule performed by general contractors throughout the United States, as well as detailed collaboration with store planning and operations. Projects included mostly large complex supercenter expansions to operating stores; as well as new stores. Construction contract value $4 million to $8 million.

1991-1995 PROFESSIONAL EXPERIENCE

1995 **Newstress International, Inc., Epsom, NH:** Civil Engineer. Pre-cast, pre-stressed concrete plant. Responsibilities included structural design, very high strength concrete design research and development, and plant quality control.

1991-1995 **Atlantic Testing Laboratory, Ltd.** Geotechnical engineering and construction materials inspection and testing company: Clients included FAA, DOT, Wal-Mart, Public Schools.

1994-1995 Construction Materials/Geotechnical Engineer
1991-1993 Construction Materials Technician

LEADERSHIP AND TRAINING DEVELOPMENT

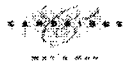
- International Erosion Control Association, member
- US Green Build Council, Level 300 Education Provider, member
- Canadian Green Build Council, member
- Dale Carnegie 12 week public speaking course, 2 awards.
- Wal-Mart Leadership Training and Development
- Walton Institute for Management
- OSHA 30 Hour #600058990

21755 S. Main Street
Spring Hill, KS 66083

(913) 686-2082 (h)
(816) 803-8763 (c)

Shirley D. Morrow, CPESC, CISEC

Awards



- Named by Cambridge's Who's Who Among Executive and Professional Women in 2006.
- Won the Environmental Science Alumni Award presented by Oklahoma State University's Environmental Science Graduate Program in 2007.

Experience

2007-2009 Stormwater USA Bentonville, AR

Vice President and Director of Technical Content

- Provide web-based training and certification classes for erosion and sediment control inspectors and SWPPP preparers..
- Provide a stormwater library of up-to-date regulations, permits, and other information to help keep people in compliance.
- Provide Industry news and vendor information to those obtaining certifications to allow free flow of information to those who need it in the industry.

2007-present ABC's of BMP's Spring Hill, KS

President

- Provide training on erosion and sediment control as well as construction site inspections to states, municipalities, general contractors and other organizations.
- Provide consulting services to anyone seeking advice in the field of erosion and sediment control on construction sites.
- Provide certification classes to state agencies as part of their NPDES permit process.

2006-2007 Tetra Tech EM Inc. Lenexa, KS

Senior Environmental Scientist

- Market erosion and sediment clients including big box retail, litigation, and general contractors.
- Provide training and consulting to general contractors, municipalities, and other agencies as needed.

2005-2006 Wal-Mart Stores, Inc. Bentonville, AR

Director of Storm Water Compliance

- Sign permit applications, modifications, transfers and terminations.
- Provide administration of the seven Storm Water Compliance staff.
- Train and provide guidance to in-house and out-side construction and design personnel providing service to the company.
- Coordinate and communicate among all construction groups within the company to make sure compliance is maintained.

2004-2005 Wal-Mart Stores, Inc. Bentonville, AR

Manager of Storm Water Compliance

- Create a full day Storm Water training program approved by the EPA and administer it to over 4,000 persons.

- Review Storm Water Pollution Prevention Plans for approximately 450 construction projects a year.
- Provide guidance and support to all personnel responsible for design and construction of the projects.
- Provide in-the-field training for general contractors and civil engineers.
- Maintain the erosion and sediment control specifications (SWPPP), site maps and details.

1995-2004 Burns & McDonnell, Inc. Kansas City, MO

Senior Environmental Scientist

- Wrote Storm Water Pollution Prevention Plans for industrial projects in over 30 states in the country.
- Provided expert investigations and testimony in litigation cases involving erosion and. sediment control.
- Provide Permit Management for industrial and golf course projects.
- Provide landscape design for industrial clients and municipalities.
- Investigated environmental and regulatory information for EAs and EISs.
- Provide in-house training to engineers on permitting and erosion and sediment control design.

1983-1991 Tallgrass Club Wichita, KS

Grounds Manager/Assistant Superintendent

- Maintained underground irrigation system for club, hotel and course.
- Applied multiple pesticides and fertilizers to the club and hotel grounds as well as the golf course (maintained Kansas chemical applicators license for both ornamental and turf).
- Provided full landscape design and maintenance services for the club and hotel.
- Provided many duties to maintain the golf turf and native grass mixes surrounding the golf course.

Education

1980 – Associates in Science (AS) in Biology
Kansas City Kansas Community College

1982 – Bachelors of Science (BS) in Zoology
Fort Hays State University

1991 – Degree in Turf Management
University of Guelph, Ontario Canada

1995 – Bachelors in Landscape Architecture (BLA)
Oklahoma State University

1995 – Masters in Science (MS) in Environmental Science
Oklahoma State University

Classes Created or Taught

- On-line certification classes through Stormwater USA
- Creator and instructor of the Wal-Mart's "Storm Water Professional" certification class approved by USEPA. (full day)
- Instructor for CPESC to teach the CPESC tutorial. (full day)

- Instructor and co-creator of "How To Write a SWPPP", taught for the International Erosion Control Association (IECA). (full day)
- Instructor of EPA approved "How to Select, Install, and Inspect Construction Site Erosion and Sediment Control BMPs for NPDES Storm Water Permit Compliance" taught for IECA, (full day).
- Creator and instructor of "Inspection Ground Rules: How to Evaluate a SWPPP and Inspect a Construction Site". This class was created for Phase II municipal inspectors. It is very popular with states and public works departments. (half day)
- Co-creator and instructor of "The ABC's of BMP's" which is a very popular and basic class teaching the fundamentals of erosion and sediment control and demonstration of many BMPs with important information about each. (half day)
- Creator and instructor of "NPDES Construction Permitting"
- Creator and instructor of "How Does Phase II Affect You?"

Publications

- Morrow, Shirley D. (via interview). July/August 2005. Impact of Wal-Mart's Storm Water Compliance Program May Spread Throughout the Industry. Vol. 12, No. 5. Erosion Control.
- Morrow, Shirley D. 2005. The Wal-Mart Way: An In-Depth Look at How Storm Water Compliance Is Changing the Industry One Company at a Time. International Erosion Control Association EC05 Conference Dallas, Texas.
- Griffin, Jeff (via interview of Shirley D. Morrow). July 2003. New Erosion Regs Impact Utility Projects Phase II Storm Water Runoff Regulations Affect Smaller Area Populations. Vol.58, No. 7 Underground Construction.
- Morrow, Shirley D. July/August 2003. What Has Phase II Done to the Erosion & Sediment Control Industry and Do You Have the Knowledge You Need? Volume 47, Number 4 Land and Water.
- Cole, Janet C., and Morrow, Shirley D. 1998. Vegetation Helps Control Construction Erosion. Vol. 2, No. 5 Hawaii Landscape.
- Morrow, Shirley D. 1997. Effective Integrated Vegetation Management. Proceedings of the Sixth International Symposium on Environmental Concerns in Right-of-Way Management. Elsevrer, Oxford, pp. 127-132.
- Morrow, Shirley D., et.al. 1995. Using Vegetation for Erosion Control on Construction Sites. Oklahoma State University Water Quality Series Fact Sheet. Oklahoma Cooperative Extensive Service.

Certifications and Organizations

- Certified Inspector of Sediment and Erosion Control, CISEC #0076 since June, 2007.
- Certified Professional in Erosion and Sediment Control, CPESC #1380, since March 21, 1998.
  - Prepared language in By-Laws for use of the CPESC stamp
- International Erosion Control Association (member since 1994)
  - IECA - Board of Directors – three years serving as Secretary and Administrative Vice-President
  - Great Rivers Chapter of IECA – Board of Directors – serving as President for five years, Vice President for one year.

References

John Warren – ASP Enterprises, Lee's Summit, MO 816-590-8657 (c)

Jennifer Hildebrand – Weis Builders, Minneapolis, MN 612-760-4186 (c)

Nancy Mechtoldt – Flintco, Inc, Springdale, AR 479-750-4565

Federal Construction General Permit Exam Questions

Order	Question	Type	Mandatory	Edit	Delete
1	How long is the Federal Construction General Permit effective after it is issued?	Multiple Choice	No		
2	The NPDES Program is covered under which section of the Clean Water Act?	Multiple Choice	No		
3	The permit application for the Construction General Permit is referred to as the _____.	Multiple Choice	No		
4	After the Notice of Intent (NOI) has been filed, how long must an operator wait to begin construction?	Multiple Choice	No		
5	According to the Federal Construction General Permit, before an operator can submit the Notice of Intent (NOI) or start construction, he/she must _____.	Multiple Choice	No		
6	Which of the following paperwork is not required to be included with the Storm Water Pollution Prevention Plan (SWPPP)?	Multiple Choice	No		
7	The Storm Water Pollution Prevention Plan (SWPPP) must contain all but which of the following documentation?	Multiple Choice	No		
8	According to the Federal Construction General Permit, which of the following organizations should be contacted if there is a spill and/or release of petroleum or hazardous substance above the reportable quantity?	Multiple Choice	No		
9	NOI is the acronym for _____.	Multiple Choice	No		
10	If an operator has control over a portion of the site, he/she is responsible for compliance and all applicable terms and conditions of the Federal Construction General Permit for the portion he/she has control over.	Multiple Choice	No		
11	The Water Pollution Control Act of 1958 was not the first statement of federal interest in clean water.	Multiple Choice	No		
12	Lake _____ died from overexposure to pollution.	Multiple Choice	No		
13	Section 402 of the Clean Water Act is known as the NPDES.	Multiple Choice	No		
14	The 1972 Water Pollution Control Act became known as the Clean Water Act.	Multiple Choice	No		
15	The NPDES program's central focus is in the quality of waters of the United States pertaining to construction, industrial and MS4 activities.	Multiple Choice	No		
16	NURP is the acronym for National Urban Runoff Program.	Multiple Choice	No		
17	Phase I construction went into effect in_____.	Multiple Choice	No		
18	TMDL is the acronym for Total Minimum Daily Load.	Multiple Choice	No		
19	Phase II construction of the NPDES went into effect in 1986.	Multiple Choice	No		

Order	Question	Type	Mandatory	Edit	Delete
20	Which of the following states are covered under the Federal Construction General Permit? (Click on all that apply)	Multiple Choice	No	✎	✕
21	The Federal Construction General Permit is also known as an "umbrella" permit.	Multiple Choice	No	✎	✕
23	If stormwater from an operator's site discharges into waters of the United States where the EPA is the permitting authority, he/she does not need to apply for a Federal Construction General Permit.	Multiple Choice	No	✎	✕
24	There are ten (10) EPA Regions across the United States.	Multiple Choice	No	✎	✕
25	Washington, D.C. is not eligible for Federal Construction General Permit coverage.	Multiple Choice	No	✎	✕
26	An operator must always be aware of the effective date and expiration date when reviewing the Federal Construction General Permit.	Multiple Choice	No	✎	✕
27	The Federal Construction General Permit is the backbone of State-Specific Construction General Permits.	Multiple Choice	No	✎	✕
28	If Federal Construction General Permit coverage expires while an operator's site is still under construction, he/she must _____.	Multiple Choice	No	✎	✕
29	An operator cannot be an individual that has control over the day-to-day activities of a construction project.	Multiple Choice	No	✎	✕
30	Even if the Notice of Intent (NOI) is complete and accurate, an issuance of denial can still be served.	Multiple Choice	No	✎	✕
31	Construction sites where no discharge leaves the site and flows into surface waters do not need to comply with the "50-Foot Buffer Guideline.	Multiple Choice	No	✎	✕
32	Immediate stabilization procedures must be taken in any area where earth-disturbing activities have permanently ceased for ___ calendar days.	Multiple Choice	No	✎	✕
33	Which of the following is a requirement for Erosion and Sediment Control Device designs?	Multiple Choice	No	✎	✕
34	Prior to the commencement of construction, "earth-disturbing activities" do not include cleaning an entrance/exit establishment on a construction site.	Multiple Choice	No	✎	✕
35	BMPs on sloped areas must be installed on _____. (Click on all that apply)	Multiple Choice	No	✎	✕
36	An operator must stabilize stormwater conveyance channels after seven (7) days.	Multiple Choice	No	✎	✕
37	In certain geographic locations that might not allow for rapid vegetative growth, the seven (7) day deadline to complete vegetation can be waived.	Multiple Choice	No	✎	✕
38	There are no special criteria deadlines offered in the Federal Construction General Permit.	Multiple Choice	No	✎	✕

Order	Question	Type	Mandatory	Edit	Delete
39	70% of vegetation for both temporary and final stabilization must be established per the 2012 Federal CGP.	Multiple Choice	No		
40	Water used with soap, solvent and/or detergent can be discharged from a construction site.	Multiple Choice	No		
41	Bodies of water experiencing overexposure to Nitrogen and Phosphorus can lead to water pollution.	Multiple Choice	No		
42	Which of the following are allowable stormwater discharges? (Click on all that apply)	Multiple Choice	No		
43	Select the following which are prohibited discharges on a construction site. (Click on all that apply)	Multiple Choice	No		
44	An operator of a construction site does not have coverage under the Federal CGP to discharge into the waters of the United States at any time post-construction.	Multiple Choice	No		
45	An example of Waste Load Allocation is sediment found in a concentrated flow channel.	Multiple Choice	No		
46	Rainwater flowing through the landscape while transporting pollution is an example of Waste Load Allocation.	Multiple Choice	No		
47	A _____ is any confined discernible device (pipe, ditch, channel) from which pollutants are discharged.	Multiple Choice	No		
48	Tier 2 bodies of water are the most common bodies of water found in the United States.	Multiple Choice	No		
49	The water(s) having the quality that exceeds the levels necessary to sustain life is	Multiple Choice	No		
50	Bodies of water found in national parks and refugees are generally _____.	Multiple Choice	No		
51	The Notice of Intent (NOI) must be approved before any construction can commence.	Multiple Choice	No		
52	The NPDES Permit Number does not need to be provided when filing the Notice of Intent (NOI).	Multiple Choice	No		
53	The only way an operator can submit the Notice of Intent (NOI), or Notice of Termination (NOT), by the traditional paper application method is by receiving special permission from an EPA Regional Office.	Multiple Choice	No		
54	Which additional information must be included in the Notice of Intent (NOI) to determine receiving water quality? (Click on all that apply)	Multiple Choice	No		
55	Before discharging into waters, an operator must know if _____.	Multiple Choice	No		
56	The EPA will not notify an operator if he/she is required to comply with additional limits, or conditions pertaining to impaired waters compromised by other pollutants.	Multiple Choice	No		

« ‹ 1 › » Page: 1 of 1 Go Page size: 118 Change Item 1 to 118 of 118

Order	Question	Type	Mandatory	Edit	Delete
57	Which area(s) must be inspected on a construction site? (Click on all that apply)	Multiple Choice	No		
58	An operator is not required to keep all inspection documentation on file for at least three (3) years after the construction project has ended.	Multiple Choice	No		
60	"All" erosion and sediment control devices must be removed before the Notice of Termination (NOT) can be filed.	Multiple Choice	No		
62	After the Notice of Termination (NOT) is filed, for how long must all paperwork, permits, SWPPP, and records associated with the construction project be maintained on file?	Multiple Choice	No		
63	An operator is not required to modify the SWPPP after any spill or release of petroleum and/or hazardous substance above the reportable quantity.	Multiple Choice	No		
64	A public information sign must be posted at the construction entrance/exit and display which of the following information?	Multiple Choice	No		
65	A public information sign must be posted at the construction entrance/exit and display which of the following information?	Multiple Choice	No		
66	An operator is not required to modify the SWPPP after any spill or release of petroleum and/or hazardous substance above the reportable quantity.	Multiple Choice	No		
67	Which of the following information is not found in the SWPPP?	Multiple Choice	No		
68	The Clean Water Act was also known as the _____.	Multiple Choice	No		
69	The Clean Water Act's purpose is to _____.	Multiple Choice	No		
70	If Federal Construction General Permit coverage expires while a construction project is still active, an operator must do which of the following?	Multiple Choice	No		
71	When filing the Notice of Intent (NOI), any information regarding chemical treatment does not need to be included.	Multiple Choice	No		
72	Whom of the following cannot sign a Notice of Intent (NOI)?	Multiple Choice	No		
73	Under no circumstances would an operator need to apply for coverage under the Federal Construction General Permit for any soil disturbance on a site less than one acre.	Multiple Choice	No		
74	Knowing if earth-disturbing activities are adjacent to and 50' (feet) from a surface water is required of contractors, as it dictates as to whether or not the 50' (foot) Buffer Guideline applies to a specific construction site.	Multiple Choice	No		
75	When dealing with the 50' (foot) buffer requirement, the EPA will not grant any exceptions to a construction project under any circumstances.	Multiple Choice	No		

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Order	Question	Type	Mandatory	Edit	Delete
76	An operator must notify the EPA if he/she intends on using Cationic chemicals for any type of water treatment.	Multiple Choice	No		
77	An operator is obligated to immediately initiate stabilization to any exposed areas of his/her project site after earth-disturbing activities have ceased and will not resume for a period of time surpassing ____ calendar days.	Multiple Choice	No		
78	For fueling and maintenance of equipment and/or vehicles, an operator must comply with the _____ requirements located in 40 CFR 112 and Section 311 of the Clean Water Act.	Multiple Choice	No		
79	For construction and general domestic waste, an operator must clean up and dispose of waste in designated containers on every work day.	Multiple Choice	No		
80	All informational documentation of chemical treatment and compliance procedures are not required to be included in the SWPPP.	Multiple Choice	No		
81	When dealing with the alternative method #1 in complying with the 50' (foot) buffer requirement, the operator does not need to document how the implemented erosion and sediment controls will attain the equivalent sediment removal amount in the Storm Water Pollution Prevention Plan (SWPPP).	Multiple Choice	No		
82	Which step is required in order to properly implement alternative #2 when complying with the 50' (foot) buffer requirement?	Multiple Choice	No		
83	Which area is not covered under the Federal Construction General Permit?	Multiple Choice	No		
84	Which of the following is not an allowable non-stormwater discharge?	Multiple Choice	No		
85	Which of the following can an operator choose from in order to comply with the 50' (foot) Buffer Guideline? (Click all that apply)	Multiple Choice	No		
86	A corrective action can be a _____. (Click on all that apply)	Multiple Choice	No		
87	When discovering a corrective action condition after 24 hours, what must be documented and saved? (Click on all that apply)	Multiple Choice	No		
88	The general public should never have access to read a construction site entry sign and its posted documentation.	Multiple Choice	No		
89	The operator does not need to describe and document any chemical that will be used for flocculation of sediment in the SWPPP.	Multiple Choice	No		
90	Which of the following area(s) must be included in the SWPPP to remain in compliance with the Federal Construction General Permit? (Click on all that apply)	Multiple Choice	No		
91	It is an acceptable practice to install sediment basins near surface waters.	Multiple Choice	No		

Order	Question	Type	Mandatory	Edit	Delete
92	To comply with all non-numeric effluent limitations set in the Federal Construction Permit, an operator must implement which of the following practices onto their construction site? (Click on all that apply)	Multiple Choice	No		
93	When using polyacrylamides an operator is not required to use conventional erosion and sediment control practices before and after each chemical application.	Multiple Choice	No		
94	Under the 2012 Federal Construction General Permit, Cationic polyacrylamides can be used on a construction project as long as the application(s) does/do not compromise water quality standards (WQS).	Multiple Choice	No		
95	Which of the following cannot be discharged when using dewatering practices on a construction site? (Click on all that apply)	Multiple Choice	No		
96	In response to an emergency situation, an operator is authorized to discharge without EPA authorization as long as he/she provides a completed Notice of Intent (NOI) _____ days after the commencement of earth-disturbing activities.	Multiple Choice	No		
97	If an operator is discharging into waters that are impaired by other pollutants, he/she must do which of the following? (Click on all that apply)	Multiple Choice	No		
98	An operator is not mandated by the Federal Construction General Permit to conduct a construction site evaluation/inspection after seven (7) calendar days have elapsed.	Multiple Choice	No		
99	The operator of a construction site must make sure that his/her SWPPP is updated and amended to show any changes occurring on the site due to construction.	Multiple Choice	No		
100	The Notice of Termination (NOT) for the Federal Construction General Permit does not have to be filed through the eNOI portal.	Multiple Choice	No		
101	The operator of the construction site must do which of the following for any new project that will be discharging into a tiered water group? (Click on all that apply)	Multiple Choice	No		
102	The EPA reserves the right to notify an operator of a new construction project that he/she must acquire new coverage under an individual permit when there is an increase of discharges entering a tiered water body.	Multiple Choice	No		
103	Instances of non-compliance with the Federal Construction General Permit could never lead to jail time.	Multiple Choice	No		
104	The EPA has the right to enter and inspect the site and access records and/or documentation pertaining to the conditions of the Federal Construction	Multiple Choice	No		

Order	Question	Type	Mandatory	Edit	Delete
	General Permit.				
105	When a rain event amassing a 0.25' (quarter inch) takes place in the area of an operator's construction site, he/she is not required to perform an inspection and/or site evaluation.	Multiple Choice	No		
106	A list of non-stormwater discharges is not mandated to be included with the Storm Water Prevention Plan (SWPPP).	Multiple Choice	No		
107	New sources are not eligible for coverage for discharges unless the EPA determines that an operator has included appropriate controls and implementation procedures that will bring any discharge into compliance with water quality standards (WQS).	Multiple Choice	No		
108	When authorized in advance by the EPA in response to a natural disaster and/or public emergency, the operator must provide a completed Notice of Intent (NOI) within _____ days after earth-disturbing activities have commenced.	Multiple Choice	No		
109	When discharging into waters impaired by other pollutants, the EPA will never inform an operator if it is mandatory that he/she adheres to additional limits or controls that are required to meet applicable water quality standards (WQS).	Multiple Choice	No		
110	Corrective actions to erosion and sediment control devices are not required, even if the devices are not functioning properly.	Multiple Choice	No		
111	Which of the following must be documented in the corrective action log of the Storm Water Pollution Prevention Plan (SWPPP)? (Click on all that apply)	Multiple Choice	No		
112	Definitions and acronyms pertaining to the Federal Construction General Permit cannot be found in Appendix A	Multiple Choice	No		
113	"Stormwater BMPs that are not designed, installed, or functioning properly in preventing erosion and sediment on the project site." This best defines which of the following?	Multiple Choice	No		
114	If an operator deviates in any way from the Best Management Practices (BMPs) documented in the SWPPP from those implemented onto their construction site, they are in violation of their Construction General Permit.	Multiple Choice	No		
115	A qualified person is not required to inspect a construction site for compliance with the Federal Construction General Permit.	Multiple Choice	No		
116	Under the Federal CGP an operator may reduce the frequency of inspections to _____ in any area of the construction site where the stabilization mandates have been fulfilled.	Multiple Choice	No		
117	According to the Federal CGP, an operator may reduce the frequency of inspections to once per month and within	Multiple Choice	No		

Order	Question	Type	Mandatory	Edit	Delete
	24 hours of the occurrence of a storm event of 0.25" (inches) or greater if your site is located in an arid, semi-arid, or drought-stricken area.				
118	Any inspections performed on construction projects covered under the Federal Construction General Permit are not required to take place only during normal working hours of the project site.	Multiple Choice	No	✎	✕
119	To determine if a rain event has amassed the 0.25 threshold for inspection, a _____ is required to be used on a construction project site. (Click on all that apply)	Multiple Choice	No	✎	✕
120	During an inspection, at a minimum, an inspector must check which of the following? (Click on all that apply)	Multiple Choice	No	✎	✕
121	An operator must allow any member of the EPA on their site to perform water sampling or monitor for the purpose of ensuring complaince with Water Quality Standards (WQS).	Multiple Choice	No	✎	✕

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Principles and Practices of Erosion Control Exam Questions

Order	Question	Type	Mandatory	Edit	Delete
1	Erosion control BMPs keep soil in place and protect it from raindrop impact and wind.	Multiple Choice	No		
2	Which of the following is not an erosion control device?	Multiple Choice	No		
3	Which of the following is not true about vegetation?	Multiple Choice	No		
4	Which of the following is not true about vegetation?	Multiple Choice	No		
5	Warm season grasses are established easier in cooler months.	Multiple Choice	No		
6	Warm Season grasses grow better in areas where temperatures are below freezing.	Multiple Choice	No		
7	Which of the following is true about Nurse (annual) crop species? (Click on all that apply)	Multiple Choice	No		
8	Nurse crops (annual species) must be used for final stabilization so the Notice of Termination (NOT) can be filed.	Multiple Choice	No		
9	No soil preparation is required when establishing vegetative cover over disturbed areas of a construction site.	Multiple Choice	No		
10	Topsoil must be implemented to successfully establish a sustained vegetative growth.	Multiple Choice	No		
11	Which of the following is not considered true about organic matter? (Click on all that apply)	Multiple Choice	No		
12	Fertilizer is composed of which of the following three key ingredients?	Multiple Choice	No		
13	Which of the following is not true about Nitrogen? (Click on all that apply)	Multiple Choice	No		
14	Always keep as much of the existing vegetation on site as possible and protect it from damage during construction to avoid unwanted erosion.	Multiple Choice	No		
15	All land disturbed areas where construction has ceased for more than 14 days (or less in some areas) must be temporarily stabilized within 21 days (7 days after the 14 days the area is inactive).	Multiple Choice	No		
16	Which of the following is not a true statement pertaining to erosion control?	Multiple Choice	No		
17	Hydromulch can be made from paper or wood.	Multiple Choice	No		
18	Which of the following is true about hydroseeding? (Click on all that apply)	Multiple Choice	No		
19	Which of the following is not a rolled erosion control product?	Multiple Choice	No		
20	Which of the following is not true about Erosion Control Blanket installation?	Multiple Choice	No		
21	Which of the following is not considered a type of Turf Reinforcement Mat?	Multiple Choice	No		

Order	Question	Type	Mandatory	Edit	Delete
22	Using too few staples is a typical reason Erosion Control Blankets fail.	Multiple Choice	No		
23	Which of the following is a major reason that erosion occurs under an Erosion Control Blanket?	Multiple Choice	No		
24	Using the tracking method up and down a slope is useful for of which of the following? (Click on all that apply)	Multiple Choice	No		
25	Erosion control is the first line of defense for the reduction in sediment transportation.	Multiple Choice	No		
26	Sediment can do which of the following? (Click on all that apply)	Multiple Choice	No		
27	There is no potential cost brought on by erosion.	Multiple Choice	No		
28	_____ occurs when shallow sheet flows begin to concentrate in low areas of erosion and concentrated flows. detaching and transporting additional particles.	Multiple Choice	No		
29	_____ is the process by which flowing water picks up particles dislodged from splash erosion and sheet flow.	Multiple Choice	No		
30	_____ is formed when concentrated flows increase in size and velocity and cut deeper channels as stormwater moves its way down hill.	Multiple Choice	No		
31	Due to construction activities, erosion rates are increased by two (2) to 40,000 times the normal amount.	Multiple Choice	No		
32	The rills caused by Rill Erosion cannot be repaired or filled by grading alone.	Multiple Choice	No		
33	Channel Erosion primarily affects the vegetative banks along streams and rivers.	Multiple Choice	No		
34	Concentrated flows that increase in size and velocity, cutting deep channels in soil are known as gullies.	Multiple Choice	No		
35	Which of the following is not a type of wind erosion?	Multiple Choice	No		
36	Larger soil particles that roll and slide along the Earth's surface at a slow rate of speed is known as _____.	Multiple Choice	No		
37	There are five (5) different types of wind erosion.	Multiple Choice	No		
38	_____ accounts for most soil movements during soil erosion.	Multiple Choice	No		
39	Which of the following are factors of erosion? (Click on all that apply)	Multiple Choice	No		
40	The transportation of soil particles mostly suspended in flowing water caused by the erosion process is called _____.	Multiple Choice	No		
41	Vegetation is not an erosion control which helps keep soil in place during construction.	Multiple Choice	No		
42	Erosion controls are _____ for the reduction of sediment.	Multiple Choice	No		
43	Nurse Crop is known as an annual species.	Multiple Choice	No		

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Order	Question	Type	Mandatory	Edit	Delete
44	Nurse crop lives for only one (1) year.	Multiple Choice	No		
45	When pertaining to the fertilizer equation, Z is the symbol for _____.	Multiple Choice	No		
46	Final grade and establish vegetation as soon as possible when on a project site.	Multiple Choice	No		
47	The Storm Water Pollution Prevention Plan (SWPPP) does not require a detail for each Erosion Control BMP used on a construction site.	Multiple Choice	No		
48	"Perimeter Vegetation" is also often referred to as "Vegetated Buffers."	Multiple Choice	No		
49	Hydromulch can be used on steep slopes when combined with _____.	Multiple Choice	No		
50	Open-weave netting can be used in channels where there may be a concentrated flow of stormwater.	Multiple Choice	No		
51	Which of the following Erosion Control Blankets will last the longest?	Multiple Choice	No		
52	Erosion Control Blankets will not degrade faster during wet periods of weather.	Multiple Choice	No		
53	Clods are not clumps of soil.	Multiple Choice	No		
54	Soil fill TRMs are meant to provide grass plants with stronger root systems during stormwater flow situations.	Multiple Choice	No		
55	Soil fill TRMs should have soil poured over the mat without any type of vegetation seeding.	Multiple Choice	No		
56	Turf Reinforcement Mats (TRMs) are used in areas where there are _____. (Click on all that apply)	Multiple Choice	No		
57	Eroded soils can ultimately lead to contaminated waters.	Multiple Choice	No		
58	Which side of the image has an established vegetation?	Multiple Choice	No		
59	The impact of a raindrop is a precursor to erosion.	Multiple Choice	No		

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Principles and Practices of Sediment Control Exam Questions

Order	Question	Type	Mandatory	Edit	Delete
1	Which of the following is true of energy dissipation at the end of a pipe or culvert? (Click on all that apply)	Multiple Choice	No		
2	Which of the following is not true about Sediment Control devices?	Multiple Choice	No		
3	Silt fence is the most widely used sediment control product on construction sites.	Multiple Choice	No		
4	You should always ring the construction site with silt fence for proper perimeter control.	Multiple Choice	No		
5	Silt fence should be installed perpendicular to the contour for it to work best.	Multiple Choice	No		
6	Which of the following is not true about silt fence installation?	Multiple Choice	No		
7	If properly installed, silt fence will hold water and sediment behind it to the top of the fence.	Multiple Choice	No		
8	The posts and wire backing should be placed on the backside (not facing the construction site) of the fence for proper installation.	Multiple Choice	No		
9	When installing silt fence via trenching, all the spoil must be backfilled on the front side in the open trench over the geotextile fabric lying in the bottom of the trench.	Multiple Choice	No		
10	Silt fence must be installed per the detail in the Storm Water Pollution Prevention Plan (SWPPP).	Multiple Choice	No		
11	Which of the following is not a sediment control BMP or device?	Multiple Choice	No		
12	Slicing machines make very little soil disturbance when installing the geotextile fabic of the silt fence.	Multiple Choice	No		
13	The slicing installation method of silt fence has proven to have fewer failures and better performance than the trenching method.	Multiple Choice	No		
14	Which of the following is not true about proper silt fence installation? (Click on all that apply)	Multiple Choice	No		
16	J-hook designs use less silt fence material and are installed only in those areas along the perimeter where sediment-laden water would leave the site.	Multiple Choice	No		
17	Which of the following is correct about silt fence placement?	Multiple Choice	No		
18	Silt fence placed at the toe of a slope has less sediment storage capacity.	Multiple Choice	No		
19	Which of the following devices can be used at the perimeter of a site where sediment-laden stormwater may discharge? (Click on all that apply)	Multiple Choice	No		

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Order	Question	Type	Mandatory	Edit	Delete
20	Which of the following devices cannot be used in channels of concentrated flow?	Multiple Choice	No		
21	Rock is the most commonly used material for check dams.	Multiple Choice	No		
22	Which of the following is a correct method of installation for proper rock check dam placement? (Click on all that apply)	Multiple Choice	No		
23	Wattles can be made of _____. (Click on all that apply)	Multiple Choice	No		
24	Wattles are used for all but which of the following?	Multiple Choice	No		
25	Which of the following is not true about Fiber Filtration Tubes?	Multiple Choice	No		
26	The polymers in the Fiber Filtration Tubes attach to the sediment particles and trap them in their cylinder tubes.	Multiple Choice	No		
27	Which of the following is not true about wattles?	Multiple Choice	No		
28	Which of the following is not true about Triangular Silt Dike?	Multiple Choice	No		
29	Which of the following is true about Geo-Ridge? (Click on all that apply)	Multiple Choice	No		
30	A level spreader changes a point source discharge into diffused sheet flow, which reduces the energy for erosion and scour while increasing infiltration.	Multiple Choice	No		
31	Level spreaders work best when the dissipated flow is discharged into a vegetated area.	Multiple Choice	No		
32	No matter which type(s) of inlet protection device is used, they all must have a detail showing its specifications and the proper installation methods.	Multiple Choice	No		
33	PAMs is the acronym for Polyacrylamides.	Multiple Choice	No		
34	Which of the following is used for inlet protection? (Click on all that apply)	Multiple Choice	No		
35	Which of the following is true about Polyacrylamides? (Click on all that apply)	Multiple Choice	No		
36	Which of the following is true about Chitosan? (Click on all that apply)	Multiple Choice	No		
38	Water closest to the bottom of the pond should always be removed first.	Multiple Choice	No		
39	A retention pond does not hold and retain water.	Multiple Choice	No		
40	A detention pond detains the stormwater and releases the flow at a slower rate.	Multiple Choice	No		
41	Infiltration basins work better when covered with an established vegetative cover.	Multiple Choice	No		
42	Which of the following is a type of treatment pond used on a construction site? (Click on all that apply)	Multiple Choice	No		
43	RipRap is used for energy dissipation at the end of pipe or an outlet.	Multiple Choice	No		
44	Scour Stop can be used as an alternative sediment control device to silt fence.	Multiple Choice	No		

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Order	Question	Type	Mandatory	Edit	Delete
45	Scour Stop is an alternative to RipRap and it can also allow vegetation to grow up through the device.	Multiple Choice	No		
46	The inflow pipe to a sediment basin must be spaced far enough away from the outflow to allow for sufficient sediment settling time.	Multiple Choice	No		
47	If the inflow to a sediment pond is near the outflow from the pond, which of the follow must be done?	Multiple Choice	No		
48	Which of the following statements is not true about turbidity curtains?	Multiple Choice	No		
49	When dewatering, always run the water through a geotextile bag to capture as much sediment as possible before the stormwater is discharged.	Multiple Choice	No		
50	Which of the following is captured in underground stormwater treatment systems?	Multiple Choice	No		
51	Which of the following is not a sediment control device? (Click on all that apply)	Multiple Choice	No		
52	Silt fence is essentially not a dam.	Multiple Choice	No		
53	Silt fence must always be placed on the _____ of the land.	Multiple Choice	No		
54	What is the standard staking frequency when installing silt fence?	Multiple Choice	No		
55	The wire backing of silt fence must be facing down-gradient.	Multiple Choice	No		
56	Using a slicing machine to install silt fence cannot save on time, money and prevent the fence from being improperly installed.	Multiple Choice	No		
57	Belted Silt Fence can withstand a greater load capacity than normal silt fence.	Multiple Choice	No		
58	Geo-Ridge is not a product that should be used on a construction site for sediment control in concentrated flows.	Multiple Choice	No		
59	Fiber Filtration Tubes are not meant to be used on slopes, or as check dams in ditches and drainage swales.	Multiple Choice	No		
60	Geo-Ridge should always be installed on a Turf Reinforcement Mat (TRM) when placed in a concentrated flow.	Multiple Choice	No		
61	Silt fence works extremely well in concentrated flows.	Multiple Choice	No		

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Principles and Practices of Pollution Prevention Questions

Order	Question	Type	Mandatory	Edit	Delete
1	Which of the following are Pollution Prevention Best Management Practices (BMPs)? (Click on all that apply)	Multiple Choice	No	✎	✕
2	Which of the following is not considered part of Good Housekeeping?	Multiple Choice	No	✎	✕
3	Solid waste is typically known as trash or garbage on a construction project site.	Multiple Choice	No	✎	✕
4	It is not crucial that the operator of the construction site educate their site personnel on proper disposal of solid waste in proper waste receptacles to keep the construction site clean.	Multiple Choice	No	✎	✕
5	_____ must be demonstrated when handling hazardous waste on a construction site.	Multiple Choice	No	✎	✕
6	Material storage areas do not require secondary containment.	Multiple Choice	No	✎	✕
7	Portable toilets must be located on the site map as well as the construction site.	Multiple Choice	No	✎	✕
8	The EPA recognizes that a "110% of storage tank capacity" rule of thumb is not a potentially acceptable design criterion in many situations.	Multiple Choice	No	✎	✕
9	Secondary containment is a means of _____.	Multiple Choice	No	✎	✕
10	All chemicals on the site that may pollute stormwater must be stored in a designated area and have secondary containment.	Multiple Choice	No	✎	✕
11	Signage identifying concrete washout areas do not have to be placed throughout the construction site.	Multiple Choice	No	✎	✕
12	All states have the same reportable spill quantities and specifications.	Multiple Choice	No	✎	✕
13	An operator must fill out a _____ in the event of a reportable spill and/or release.	Multiple Choice	No	✎	✕
14	Spill kits do not need to be re-equipped if provisions run low during the construction project.	Multiple Choice	No	✎	✕
15	The spill kit is a Best Management Practice (BMP).	Multiple Choice	No	✎	✕
16	If there is a spill, the operator of the construction site must _____.	Multiple Choice	No	✎	✕
17	Best Management Practices (BMPs) are not required to be installed in appropriate phases.	Multiple Choice	No	✎	✕
18	As construction progresses, BMPs must be _____.	Multiple Choice	No	✎	✕
19	Never sequence construction to limit the duration of soil disturbance and exposure to rainfall.	Multiple Choice	No	✎	✕
20	When sequencing construction, all ponds, basins and traps should be installed and vegetated _____.	Multiple Choice	No	✎	✕

Order	Question	Type	Mandatory	Edit	Delete
21	Which of the following are reasons for implementing dust control? (Click on all that apply)	Multiple Choice	No		
22	Polymer emulsions can be used to control dust on a construction site.	Multiple Choice	No		
23	_____, commonly used in hydroseeding, can be used to control and sustain dust on a construction site.	Multiple Choice	No		
24	Anytime sediment is not reasonably contained on a construction site, an operator is in violation of the Construction General Permit.	Multiple Choice	No		
25	Which of the following variables should be considered when preventing track-out on the construction site. (Click on all that apply)	Multiple Choice	No		
26	Which of the following will contribute to track-out?	Multiple Choice	No		
27	In efforts to prevent track-out, it is imperative that the construction entrance/exit to the site is properly maintained.	Multiple Choice	No		
28	Wheel washing systems are not effective construction exit/entrance Best Management Practice (BMP) devices.	Multiple Choice	No		
29	The rocks found on a construction site entrance/exit must make the tires of vehicles and equipment bounce to shake soil debris loose.	Multiple Choice	No		
30	Which of the following are the different characterizations of hazardous waste? (Click on all that apply)	Multiple Choice	No		
31	To maintain a construction site entrance/exit, which of the following can be implemented to help aid in preventing track-out? (Click on all that apply)	Multiple Choice	No		
32	Gap-graded stone is the appropriate stone type to use on a construction site entrance/exit.	Multiple Choice	No		
33	Sediment "tracked out" onto public streets can be hazardous, making the roads unsafe in wet conditions.	Multiple Choice	No		
34	The bottom of the concrete washout area does not need to be lined in order to keep the liquid concrete from infiltrating the ground.	Multiple Choice	No		
35	_____ in the liquid form of concrete is a pollutant.	Multiple Choice	No		
36	The EnviroSac is used for which of the following Pollution Prevention measures?	Multiple Choice	No		
37	The "110% of storage tank capacity" rule of thumb states that any secondary containment be sized to contain at least 110% of the volume of the largest storage tank on a construction site.	Multiple Choice	No		
38	Vehicle maintenance areas can be located anywhere on the construction site.	Multiple Choice	No		

Order	Question	Type	Mandatory	Edit	Delete
39	Concrete washout areas do not need to be established on a construction site if concrete will be poured during the project.	Multiple Choice	No	✎	✕
40	An operator must always take extra care when installing or maintaining concrete washout areas in the rain.	Multiple Choice	No	✎	✕
41	Which of the following is true about solid waste? (Click on all that apply)	Multiple Choice	No	✎	✕
42	Which of the following is not true about material storage on a construction site?	Multiple Choice	No	✎	✕
43	What is the general rule of thumb for storage capacity and secondary containment on a construction site?	Multiple Choice	No	✎	✕
44	Which of the following is not true about concrete washout areas?	Multiple Choice	No	✎	✕
45	It is a good idea to provide signage to show where the concrete washout area is located on the site.	Multiple Choice	No	✎	✕
46	It is a violation to get caught washing out a concrete truck in an undesignated area where the liquid concrete could enter a waterway.	Multiple Choice	No	✎	✕
47	There are manufactured containers and sacks for concrete washout that can be easily maintained.	Multiple Choice	No	✎	✕
48	If there is a concrete batch plant set up on the construction site, where should it be located?	Multiple Choice	No	✎	✕
49	No petroleum and/or hazardous material spills ever need to be reported.	Multiple Choice	No	✎	✕
50	The SWPPP must describe the reportable quantities of both petroleum and hazardous materials and provide the agencies and phone numbers of those that need to be contacted.	Multiple Choice	No	✎	✕
51	The construction site must have a spill center and/or spill kit and it must be inspected and maintained with all other on-site Best Management Practices (BMPs).	Multiple Choice	No	✎	✕
52	Which of the following must be done if there is an accidental spill of petroleum and/or hazardous waste? (Click on all that apply)	Multiple Choice	No	✎	✕
53	Perimeter BMPs should be installed prior to any earth-disturbing activity in that area.	Multiple Choice	No	✎	✕
54	As construction progresses, an operator does not need to modify the SWPPP, or move any ESC device as necessary.	Multiple Choice	No	✎	✕
55	Which of the following is not true about sequencing construction?	Multiple Choice	No	✎	✕
56	Which of the following is not a dust control device?	Multiple Choice	No	✎	✕
57	Which of the following is not true about track-out?	Multiple Choice	No	✎	✕
58	Which of the following best describes how a construction entrance/exit works?	Multiple Choice	No	✎	✕

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Order	Question	Type	Mandatory	Edit	Delete
59	Wheel washing systems are becoming more popular as more violations are written for track-out.	Multiple Choice	No		
60	Why are rumble plates becoming a more widely-used pollution prevention BMP? (Click on all that apply)	Multiple Choice	No		
61	Which of the following BMPs would not fit under the Pollution Prevention category covered in this module? (Click on all that apply)	Multiple Choice	No		
62	Port-a-Potties are considered a Best Management Practice (BMP) since they contain sanitary wastes.	Multiple Choice	No		

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On-Site Contstruction Inspections Questions

Order	Question	Type	Mandatory	Edit	Delete
1	Whom of the following has the authority to inspect an NPDES-permitted construction site for stormwater compliance? (Click on all that apply)	Multiple Choice	No		
2	As a regulatory inspector visiting a construction site, which of the following actions must be taken when inspecting a project site? (Click on all that apply)	Multiple Choice	No		
3	When performing a stormwater compliance inspection at a construction site, _____ must be inspected.	Multiple Choice	No		
4	Which statement is true about inspecting the SWPPP?	Multiple Choice	No		
5	What documentation must be available for review during a construction site inspection? (Click on all that apply)	Multiple Choice	No		
6	The SWPPP is an ever-changing document that is not fully completed until the Notice of Termination (NOT) is filed.	Multiple Choice	No		
7	The SWPPP is complete once construction has commenced.	Multiple Choice	No		
8	What documentation must be included in a SWPPP?	Multiple Choice	No		
9	Which document is not required to be included with the SWPPP?	Multiple Choice	No		
10	What additional agency consultation letters may be required to be included with the SWPPP. (Click on all that apply)	Multiple Choice	No		
11	What information should be documented on an inspection form? (Click on all that apply)	Multiple Choice	No		
12	When would a spill form need to be filled out?	Multiple Choice	No		
13	MSDS is the acronym for _____.	Multiple Choice	No		
14	Which item must always be found in a spill kit?	Multiple Choice	No		
15	What parts of the SWPPP must be kept up-to-date throughout the construction project?	Multiple Choice	No		
16	As an inspector, always make sure that the dates as to when major grading activities occurred are recorded on the site map.	Multiple Choice	No		
17	As an inspector, check that all of the dates and locations of BMP installation, removal, and/or relocation on the site maps have been recorded.	Multiple Choice	No		
18	As an inspector, it is acceptable for an operator to work outside the limits of disturbance area without revising the SWPPP or Construction General Permit.	Multiple Choice	No		
19	What must be done if the limits of disturbance requires revision and has changed since the Construction General Permit was issued for the construction site?	Multiple Choice	No		

Order	Question	Type	Mandatory	Edit	Delete
20	Where should a sign with a copy of the Notice of Intent (NOI), permit authorization, and contractor information be placed on a construction site?	Multiple Choice	No		
21	A deficiency that should be noted on the inspection report is any required element of the Construction General Permit that is not effective and/or in compliance.	Multiple Choice	No		
22	Which of the following is not a deficiency to note on the inspection report?	Multiple Choice	No		
23	There are two major issues to note on an inspection report: 1. What the deficiency is; and 2. _____.	Multiple Choice	No		
24	Which of the following is a common problem experienced when silt fence is installed by using the trenching method?	Multiple Choice	No		
25	Slicing is an efficient and effective technique a construction site operator can implement to install silt fence.	Multiple Choice	No		
26	Another method that can be used to install silt fence besides trenching is _____.	Multiple Choice	No		
27	Which of the following is not an additive that can be used with a hydromulch mix?	Multiple Choice	No		
28	Why would an operator want hydromulch combined with seed slurry to mix with the soil during the application?	Multiple Choice	No		
29	What is the major reason rolled erosion control products fail?	Multiple Choice	No		
30	What should an inspector look for when inspecting an Erosion Control Blanket? (Click on all that apply)	Multiple Choice	No		
31	Turf Reinforcement Mats can have the same installation issues as other blanket products.	Multiple Choice	No		
32	If an operator is storing petroleum products and/or hazardous waste on the construction site, what must an inspector make sure is implemented?	Multiple Choice	No		
33	What technique can an operator use to locate the position of ESC devices easily?	Multiple Choice	No		
34	As an inspector, it is important to know that silt fence is designed for sheet flow and should not be used as a check dam in concentrated flow channels.	Multiple Choice	No		
35	How should a rock construction entrance/exit work?	Multiple Choice	No		
36	If an operator installs a wheel wash system at the construction entrance/exit, what else must be installed with it?	Multiple Choice	No		
37	An inspector is not required to check into the site trailer prior to performing an inspection.	Multiple Choice	No		
38	A copy of the Notice of Intent (NOI) is not required to be posted at the project site for public access.	Multiple Choice	No		
39	Which of the following must be inspected on a construction site? (Click on all that apply)	Multiple Choice	No		

Order	Question	Type	Mandatory	Edit	Delete
40	When inspecting for spills that are over the reportable quantity, an inspector must make sure that which of the following are provided? (Click on all that apply)	Multiple Choice	No		
41	When performing an inspection, a compliant SWPPP must include which of the following? (Click on all that apply)	Multiple Choice	No		
42	As an inspector, it is imperative to review all _____ in the SWPPP, such as the one seen in this image.	Multiple Choice	No		
43	When reviewing the SWPPP, the document must show any changes made to the construction site that may have an effect on the discharge of pollutants.	Multiple Choice	No		
44	The inspector must make sure that all delegation letters are available and correctly and legibly signed.	Multiple Choice	No		
45	The two important pieces of information that must be recorded on the inspection reports are: "What is deficient" and "Were the previously noted deficiencies repaired, replaced and/or added?"	Multiple Choice	No		
46	There should never be soil on both sides of the trench dug for installing silt fence.	Multiple Choice	No		
47	What question(s) must be asked while inspecting silt fence that was installed through the slicing method? (Click on all that apply)	Multiple Choice	No		
48	Always inspect for an adequate and even application of hydromulch in areas of the construction site where it was implemented.	Multiple Choice	No		
49	If a concrete washout system has been implemented, it must be used by all vehicles and machinery including concrete trucks, pumps and equipment.	Multiple Choice	No		
50	When inspecting secondary containment devices, check that the appropriate volume measure for stormwater and that the contents of the container have been considered for the size of containment device.	Multiple Choice	No		
51	Geo-Ridge does not need to be installed on an Erosion Control Blanket when being used in a concentrated flow.	Multiple Choice	No		
52	Silt fence should always be used in concentrated flows.	Multiple Choice	No		
53	An inspector must examine every inlet located on the construction site.	Multiple Choice	No		
54	Port-a-Potties should always be placed near inlets.	Multiple Choice	No		
55	The stapling pattern used for Erosion Control Blankets should never be examined.	Multiple Choice	No		
56	When inspecting a project site always examine and make sure that Erosion Control Blankets have not been installed on extremely steep slopes.	Multiple Choice	No		
57	When inspecting concrete washout areas, an inspector must check for which of the following? (Click on all that apply)	Multiple Choice	No		

Order	Question	Type	Mandatory	Edit	Delete
58	A slicing machine does not install silt fence without the soil disturbance obtained by digging a trench.	Multiple Choice	No		✕
59	An inspector must examine all discharge points on a construction site for stormwater compliance.	Multiple Choice	No		✕
60	As an inspector it is imperative that any agency clearance letters pertaining to federally threatened and/or endangered species, as well as historic properties, are thoroughly reviewed for compliance.	Multiple Choice	No		✕
61	All contractor certification forms are the same from state-to-state.	Multiple Choice	No		✕
62	After a backhoe bucket makes grooves in the ground with the teeth of the bucket, what must an inspector check for?	Multiple Choice	No		✕
63	Which of the following devices can an operator use as perimeter control for single house lots?	Multiple Choice	No		✕
64	If an operator is using silt fence as inlet protection, an inspector must suggest that he/she use a wattle instead.	Multiple Choice	No		✕
65	The operator needs 75% of the natural background vegetation on a construction site to remain in compliance with the Federal Construction General Permit and file the Notice of Termination (NOT).	Multiple Choice	No		✕
66	When inspecting vegetation, a quick way to check if the operator has used a perennial species is to break the stem and see if it is solid-stemmed, and not hollowed inside.	Multiple Choice	No		✕
67	In order for an operator to fill out the ____________, the 70% vegetation requirement must be fulfilled.	Multiple Choice	No		✕
68	The inspector must check for every part of compliance on a construction site. This includes which of the following? (Click on all that apply)	Multiple Choice	No		✕
69	When going through the written section of the inspection, an inspector must ask and answer the questions, "What needs to be repaired or replaced?" and "When was it repaired or replaced?"	Multiple Choice	No		✕
70	An operator can file the Notice of Termination (NOT) if vegetation with an annual species has been established.	Multiple Choice	No		✕
71	Individual house lots part of a larger common plan of development are subject to have their SWPPPs and BMPs - including the construction entrance/exit - inspected.	Multiple Choice	No		✕
72	If road(s) and inlet(s) are not part of the construction site, there should not be an inlet protection device installed.	Multiple Choice	No		✕
73	When the site is fully stabilized with vegetation, an inspector must check to make sure that all temporary controls have not been removed before the Notice of Termination (NOT) is filed.	Multiple Choice	No		✕

1 Page: of 1 Go Page size: Change Item 1 to 73 of 73

← Back + Add Question

RE: FW: Letter to Lori Kier
Bridget Dorfman
to:
Lori Kier
01/24/2013 10:57 AM
Cc:
Peter Gold, Jonathan Rinde
Hide Details
From: Bridget Dorfman <BDorfman@mgkflaw.com>

To: Lori Kier/R3/USEPA/US@EPA

Cc: Peter Gold/R3/USEPA/US@EPA, Jonathan Rinde <JRinde@mgkflaw.com>

History: This message has been forwarded.

1 Attachment

CCIS_K.Hov_Course Catalog Outline.pdf

Lori and Peter,

My apologies – I should have pulled the course materials out while we were talking so I could follow along. My confusion was further compounded by the fact that I had seen the Erosion Control module in an earlier version of the course catalog; I did not realize that it was inadvertently left out of the version of the catalog that you received by mail, and again in yesterday's version.

Attached please find the corrected course catalog, which includes (and was always supposed to include) an Erosion Control module that is more detailed than is currently found in Appendix H. You will also note that there were test questions for this module in the package you originally received.

Please let me know if this is satisfactory, and thank you for following up so promptly.

- Bridget

From: Kier.Lori@epamail.epa.gov [mailto:Kier.Lori@epamail.epa.gov]
Sent: Thursday, January 24, 2013 8:52 AM
To: Bridget Dorfman
Cc: Gold.Peter@epamail.epa.gov
Subject: Re: FW: Letter to Lori Kier

Bridget,

Sorry if we caused confusion yesterday; we wanted you to be aware that we did not see an outline for *erosion* control in the new course outline. Your letter only addresses sediment control, which was already in the outline for the revised course.

Please provide the outline for erosion control as was done with sediment control.

- Lori

From: Bridget Dorfman <BDorfman@mgkflaw.com>
To: Lori Kier/R3/USEPA/US@EPA
Cc: Peter Gold/R3/USEPA/US@EPA, "dpotter@khov.com" <dpotter@khov.com>, Jonathan Rinde <JRinde@mgkflaw.com>
Date: 01/23/2013 03:32 PM
Subject: FW: Letter to Lori Kier

Lori,

Pursuant to our call this morning, please see the attached follow-up letter and attachment. Thanks.

Bridget L. Dorfman, Esq.
Manko, Gold, Katcher & Fox, LLP
401 City Avenue, Suite 500
Bala Cynwyd, PA 19004
P: 484 430 2330
F: 484 430 5711
bdorfman@mgkflaw.com

[attachment "Ltr Follow-up to Minor Appendix Modification.pdf" deleted by Lori Kier/R3/USEPA/US] [attachment "CCIS_K.Hov_Course Catalog Outline.pdf" deleted by Lori Kier/R3/USEPA/US]

ESC314 - Certified Compliance Inspector of Stormwater (CCIS®) K. Hovnanian®
8 hours - 8 PDHs / 0.8 CEUs

The 8-hour, Certified Compliance Inspector of Stormwater (CCIS®) K. Hovnanian® training course educates individuals on how to properly implement, inspect, and maintain a construction site for stormwater compliance.

This training covers the principals and practices of erosion and sediment control, pollution prevention as well as the proper reporting and documentation requirements for ensuring compliance under the NPDES Construction General Permit. This course has been reviewed and recognized by the EPA and is a Level 300 United States Green Build Council approved course.

Learning Objectives for Certified Compliance Inspector of Stormwater (CCIS®) K. Hovnanian®:
The K. Hovnanian CCIS® stormwater management training course will provide individuals with a fundamental knowledge of all aspects of erosion and sediment control so they can:

- Inspect the entire site and determine possible causes of BMP ineffectiveness and how to correct them.
- Describe and understand proper installation and maintenance of best management practices.
- Communicate the complete information on an inspection report of not only what the noncompliance was but also when and how it was resolved.
- Make proper and informed decisions when reviewing a SWPPP at the site for compliance.
- Understand the teamwork and communication necessary between owner, operators, contractors and SWPPP designer so the site stays in compliance throughout the construction project.

Required Learning Modules:
- Federal Construction General Permit (Part I and II)
- Principles and Practices of Erosion Control
- Principles and Practices of Sediment Control
- Principles and Practices of Pollution Prevention
- On-site Construction Inspections

Learning Module Descriptions and Outlines:

Federal Construction General Permit (Part I of II)
Stormwater USA's course on the 2012 Federal Construction General Permit (CGP) will educate and prepare an operator of a construction site how to comply with the mandates of the current federal permit. Due to the complexity of the 2012 Federal CGP, this course is broken down into two separate training modules.

1.0 - NPDES & Construction General Permit History
- 1.1 - Water Pollution Control Act
- 1.2 - Timeline of Events: The 1960s
- 1.3 - Clean Water Act
- 1.4 - NPDES Program
- 1.5 - Phase I Construction
- 1.6 - TMDL and Impaired Waters
- 1.7 - Phase II Construction

2.0 - General Permit Definitions
- 2.1 - Construction General Permit
- 2.2 - Notice of Intent (NOI)
- 2.3 - Permit Authorization or Coverage
- 2.4 - Notice of Termination (NOT)

3.0 - General Permit Coverage
- 3.1 - Coverage Details
- 3.2 - Eligible Areas
- 3.3 - Requirements, Regulations and Dates
- 3.4 - Who Obtains Coverage

4.0 - Notice of Intent
- 4.1 - Notice of Intent (NOI)
- 4.2 - eNOI
- 4.3 - NOI Deadlines
- 4.4 - Continuation of Coverage
- 4.5 - Site Posting

5.0 - Federal CGP Requirements
- 5.1 - Erosion and Sediment Control Requirements
- 5.2 - Stabilization Requirements
- 5.3 - Pollution Prevention Requirements

6.0 - Allowable and Prohibited Discharges
- 6.1 - Allowable Stormwater Discharges
- 6.2 - Prohibited Discharges

7.0 - Water Quality-Based Effluent Limitations
- 7.1 - Effluent Limitations and Water Quality Standards Explained
- 7.2 - Keywords and Phrases
- 7.3 - Federal CGP Requirements
- 7.4 - Discharging
- 7.5 - On-Site Inspection

Federal Construction General Permit (Part II of II)

8.0 - Construction Site Inspections
- 8.1 - Responsible Persons
- 8.2 - Inspection Frequency
- 8.3 - Inspection Requirements

9.0 - Corrective Actions
- 9.1 - Corrective Actions Defined
- 9.2 - Corrective Action Conditions and Deadlines
- 9.3 - Corrective Action Records

10.0 - Storm Water Pollution Prevention Plan (SWPPP)
- 10.1 - SWPPP Development
- 10.2 - Contents
- 10.3 - Inspections and Maintenance
- 10.4 - Spills or Releases

11.0 - Terminating Permit Coverage
- 11.1 - Termination Conditions
- 11.2 - Notice of Termination
- 11.3 - Submitting The NOT
- 11.4 - NOT Deadlines
- 11.5 - Document Retention

12.0 - Standard Permit Conditions
- 12.1 - Individual Permits
- 12.2 - Non-compliance Penalties
- 12.3 - Operator Cooperation
- 12.4 - 24-Hour Notification

12.5 - Bypasses and Upsets

13.0 - Appendix Guide

13.1 - Appendix A: Definitions and Acronyms
13.2 - Appendix B: Areas Eligible For Coverage
13.3 - Appendix C: Small Construction Waivers
13.4 - Appendix D: Endangered Species Act
13.5 - Appendix E: Historic Properties
13.6 - Appendix F: Impaired Water Tier System
13.7 - Appendix G: Buffer Guidance
13.8 - Appendix H: 2-Year, 24 hour Storm Events
13.9 - Appendix I: Standard Permit Conditions
13.10 - Appendix J: Notice of Intent (NOI) Instructions
13.11 - Appendix K: Notice of Termination (NOT) Instructions

Principles and Practices of Erosion Control Outline:

Stormwater USA's course on The Principles and Practices of Erosion Control will educate and prepare an individual to identify and properly implement Best Management Practices (BMPs) to control erosion on construction sites. The training module will feature chapters that will discuss:

1.0 - What is Erosion?

1.1 - Impacts of Accelerated Erosion
1.2 - Types of Erosion
1.3 - Factors of Erosion

2.0 - Erosion Control Overview

2.1 - Erosion Controls Overview
2.2 - Soil Preparation and Vegetation

3.0 - Best Management Practices for Erosion Control

3.1 - Erosion Control Devices
3.2 - Erosion Control Device Details

4.0 - Stabilization

4.2 - Perimeter Buffers and Stockpiles
4.1 - Site Stabilization

5.0 - Mulch and Compost

5.1 - Types of Mulch and Compost
5.2 - Hydromulch

6.0 - Rolled Erosion Control Products

6.1 - Erosion Control Blankets and Turf Reinforcement Mats (TRMs)
6.2 - Netting

7.0 - Surface Roughening

7.1 - Tracking
7.2 - Bucket Teeth

Principles and Practices of Sediment Control Outline:

Stormwater USA's course on The Principles and Practices of Sediment Control will educate and prepare an individual to identify and properly implement Best Management Practices (BMPs) to control sediment on construction sites. The training module will feature chapters that discuss:

1.0 - Sediment Control

1.1 - Sediment Control Definition
1.2 - Examples of Sediment Control Best Management Practices (BMPs)

2.0 - Silt Fence

2.1 - Installation Methods
2.2 - Alternative Perimeter Controls

3.0 - Wattles
- 3.1 - Types of Wattles
- 3.2 - Wattle Details

4.0 - Check Dams
- 4.1 - Proper Installation and Spacing
- 4.2 - Types of Check Dams

5.0 - Energy Dissipation
- 5.1 - Level Spreaders
- 5.2 - Slope Drains
- 5.3 - RipRap

6.0 - Inlet Protection Devices
- 6.1 - Inlet Protection Devices
- 6.2 - Inlet Protection Device Details

7.0 - Polyacrylamides (PAMs)
- 7.1 - Polyacrylamides (PAMs) Explained
- 7.2 - Flocculent Polymers

8.0 - Sediment Ponds
- 8.1 - Types of Sediment Ponds
- 8.2 - Pond Dewatering
- 8.3 - Outlets and Short Circuiting
- 8.4 - Turbidity Curtains

Principles and Practices of Pollution Prevention Outline:

Stormwater USA's course on The Principles and Practices of Pollution Prevention will educate and prepare an individual to identify and implement proper Best Management Practices (BMPs) to control and prevent pollution on construction sites. The training module will feature chapters that will discuss:

1.0 - Good Housekeeping
- 1.1 - Construction Site Waste
- 1.2 - Handling Construction Site Waste

2.0 - Material Storage
- 2.1 - Material Delivery and Storage
- 2.2 - Fuel Storage and Secondary Containment
- 2.3 - Vehicle Maintenance

3.0 - Concrete Washout
- 3.1 - Concrete Washout Defined
- 3.2 - Concrete Washout Areas and Systems

4.0 - Spill Reporting
- 4.1 - Spill Reporting and Clean Up
- 4.2 - Spill Kits and Spill Centers

5.0 - Phasing BMPs and Sequencing of Construction
- 5.1 - Phasing BMPs
- 5.2 - Sequencing Construction

6.0 - Dust Control
- 6.1 - Dust Control Defined
- 6.2 - Dust Control Methods

7.0 - Track-Out
- 7.1 - Track-Out Defined
- 7.2 - Designs, Devices and Maintenance

On-Site Construction Inspections:

Stormwater USA's course for On-site Construction Inspections will educate and prepare an individual to thoroughly and properly inspect construction sites for stormwater compliance. The training module will feature chapters that will discuss:

1.0 - Inspection Rules and Protocol

2.0 - SWPPP and Paperwork Inspection

- 2.1 - Paperwork Overview and Inspection Requirements
- 2.2 - Inspecting The SWPPP

3.0 - Site Inspection

- 3.1 - Inspecting On-Site Documentation
- 3.2 - Inspecting On-Site Best Management Practices (BMPs)

4.0 - Notice of Termination (NOT)

- 4.1 - Filing Requirements
- 4.2 - Final Inspections

MANKO | GOLD | KATCHER | FOX LLP

AN ENVIRONMENTAL AND ENERGY LAW PRACTICE

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PHILADELPHIA, PA
*CHERRY HILL, NJ
by appointment only

*Partner responsible – Bruce S. Katcher

January 23, 2013

Via Electronic Mail
Lori G. Kier
Senior Assistant Regional Counsel (Mail Code 3RC20)
United States Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

Re: U.S. v. Hovnanian Enterprises, Inc.
DOJ No. 90-5-1-1-08709

Dear Lori:

I am writing to follow up on our telephone discussion this morning and provide answers to the two questions that you and Peter Gold raised regarding our January 17, 2013 letter, in which we requested on behalf of our client Hovnanian Enterprises, Inc. ("Hovnanian") that the Federal Plaintiff agree to a Minor Appendix Modification of Appendix H.

First, with regard to the portion of the Student Catalog that provides the *Principles and Practices of Sediment Control Outline*, Peter noted that the "1.0 – Sediment Control" portion of the outline does not have any breakout sections, and you further noted that the updated outline has to be at least as broad as the outline currently provided in Appendix H. Attached please find an updated outline that within that introductory portion of this module, the course materials address "1.1 – Sediment Control Definition" and "1.2 – Examples of Sediment Control Best Management Practices (BMPs)." With this addition, I believe that the outline for the updated module is broader and more detailed than the current Module IV for Sediment Control.

Second, Peter asked whether the examination provides 25 questions per module, or 25 questions for the entire 8-hour course. The answer is that the examination provides 25 questions *per module*, which are pulled at random from the lists of questions that we provided for each of the six modules. So the trainees will get a representative sampling of questions from each subject area and have to answer 150 questions to complete the course.

We appreciate your expedited review of this request. Please let me know if you have any other questions or require additional information.

Sincerely,

Bridget L. Dorfman
For MANKO, GOLD, KATCHER & FOX, LLP

BLD/amm/10058-01005
Enclosure
cc: Peter Gold, US EPA (w/encl.)
Mr. Dean Potter (w/encl.)
Jonathan Rinde, Esq. (w/o encl.)

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8 hours - 8 PDHs / 0.8 CEUs

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4.0 - Notice of Intent
- 4.1 - Notice of Intent (NOI)
- 4.2 - eNOI
- 4.3 - NOI Deadlines
- 4.4 - Continuation of Coverage
- 4.5 - Site Posting

5.0 - Federal CGP Requirements
- 5.1 - Erosion and Sediment Control Requirements
- 5.2 - Stabilization Requirements
- 5.3 - Pollution Prevention Requirements

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Federal Construction General Permit (Part II of II)

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13.1 - Appendix A: Definitions and Acronyms
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13.5 - Appendix E: Historic Properties
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13.7 - Appendix G: Buffer Guidance
13.8 - Appendix H: 2-Year, 24 hour Storm Events
13.9 - Appendix I: Standard Permit Conditions
13.10 - Appendix J: Notice of Intent (NOI) Instructions
13.11 - Appendix K: Notice of Termination (NOT) Instructions

Principles and Practices of Sediment Control Outline:

Stormwater USA's course on The Principles and Practices of Sediment Control will educate and prepare an individual to identify and properly implement Best Management Practices (BMPs) to control sediment on construction sites. The training module will feature chapters that discuss:

1.0 - Sediment Control

1.1 - Sediment Control Definition
1.2 - Examples of Sediment Control Best Management Practices (BMPs)

2.0 - Silt Fence

2.1 - Installation Methods
2.2 - Alternative Perimeter Controls

3.0 - Wattles

3.1 - Types of Wattles
3.2 - Wattle Details

4.0 - Check Dams

4.1 - Proper Installation and Spacing
4.2 - Types of Check Dams

5.0 - Energy Dissipation

5.1 - Level Spreaders
5.2 - Slope Drains
5.3 - RipRap

6.0 - Inlet Protection Devices

6.1 - Inlet Protection Devices
6.2 - Inlet Protection Device Details

7.0 - Polyacrylamides (PAMs)

7.1 - Polyacrylamides (PAMs) Explained
7.2 - Flocculent Polymers

8.0 - Sediment Ponds

8.1 - Types of Sediment Ponds
8.2 - Pond Dewatering
8.3 - Outlets and Short Circuiting
8.4 - Turbidity Curtains

Principles and Practices of Pollution Prevention Outline:

Stormwater USA's course on The Principles and Practices of Pollution Prevention will educate and prepare an individual to identify and implement proper Best Management Practices (BMPs) to control and prevent pollution on construction sites. The training module will feature chapters that will discuss:

1.0 - Good Housekeeping

1.1 - Construction Site Waste
1.2 - Handling Construction Site Waste

2.0 - Material Storage
2.1 - Material Delivery and Storage
2.2 - Fuel Storage and Secondary Containment
2.3 - Vehicle Maintenance

3.0 - Concrete Washout
3.1 - Concrete Washout Defined
3.2 - Concrete Washout Areas and Systems

4.0 - Spill Reporting
4.1 - Spill Reporting and Clean Up
4.2 - Spill Kits and Spill Centers

5.0 - Phasing BMPs and Sequencing of Construction
5.1 - Phasing BMPs
5.2 - Sequencing Construction

6.0 - Dust Control
6.1 - Dust Control Defined
6.2 - Dust Control Methods

7.0 - Track-Out
7.1 - Track-Out Defined
7.2 - Designs, Devices and Maintenance

<u>On-Site Construction Inspections:</u>

Stormwater USA's course for On-site Construction Inspections will educate and prepare an individual to thoroughly and properly inspect construction sites for stormwater compliance. The training module will feature chapters that will discuss:

1.0 - Inspection Rules and Protocol

2.0 - SWPPP and Paperwork Inspection
2.1 - Paperwork Overview and Inspection Requirements
2.2 - Inspecting The SWPPP

3.0 - Site Inspection
3.1 - Inspecting On-Site Documentation
3.2 - Inspecting On-Site Best Management Practices (BMPs)

4.0 - Notice of Termination (NOT)
4.1 - Filing Requirements
4.2 - Final Inspections

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Lori G. Kier
Senior Assistant Regional Counsel

E-mail: kier.lori@epa.gov
Direct Phone: (215) 814-2656

January 29, 2013

Via Electronic Mail and Regular Mail

Bridget L. Dorfman, Esq.
Manko Gold Katcher Fox, LLP
401 City Avenue, Suite 500
Bala Cynwyd, PA 19004

Re: *United States, et al. v. Hovnanian Enterprises, Inc.*
Docket no. CA No. 10-1742 (E.D. Pa.)

Dear Ms. Dorfman:

This correspondence is in response to your letter to Nancy Flickinger, Esq., U.S. Department of Justice (DOJ), dated January 17, 2013, together with a supplemental letter to the undersigned dated January 23, 2013, and a subsequent email dated January 24, 2013. In the first letter, you request a Minor Appendix Modification to the above-captioned Consent Decree (Decree) on behalf of your client, Hovnanian Enterprises, Inc. (Hovnanian). Specifically, you request that the Syllabus enclosed with your letter be used to replace the "Technical Training" syllabus included at pages H-2 and H-3 of Appendix H to the Decree. In the second letter and the email, you provide additional information, as well as a response to an inquiry from EPA.

On behalf of the United States, following consultation with DOJ, EPA hereby grants the foregoing minor modification request, and determines that the requested Modification complies with the terms of the Decree. EPA understands that Hovnanian will incorporate the above changes into a new modified Appendix, which shall then supersede the original version and be considered a Minor Appendix Modification under Paragraph 69 of the Decree. (Both letters and the email are enclosed for reference).

If you have any questions regarding the information in this letter, please contact me.

Sincerely,

Lori G. Kier

cc: (with enclosures)
Nancy Flickinger, Esq., U.S. Department of Justice
Mr. Peter Gold, EPA Region III Water Protection Division
Ms. Susan Bruce, EPA Office of Water
Kelly Brantner, Esq., EPA Office of Water
Office of Attorney General for District of Columbia
Office of Attorney General for State of Maryland
Office of Attorney General for Commonwealth of Virginia
Office of Attorney General for State of West Virginia

Hovnanian Enterprises, Inc.

March 14, 2013

Via UPS Overnight Delivery
Peter Gold
Environmental Engineer
NPDES Enforcement Branch
Mail Code 3WP42
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Administrative Order of Consent
Docket No. CWA-03-2013-0067-DN

Dear Mr. Gold:

In compliance with the requirements of Paragraph 3, Section III of the above-referenced Administrative Order on Consent, enclosed please find a copy of the "Stormwater Self-Inspection Quality Assurance Plan" for your review. We look forward to implementing this Plan following receipt of your comments and/or approval.

Sincerely,

Dean Potter
Vice President, Home Production
and Quality Assurance Processes

Enc.
cc: Michael Discafani, Esquire, Hovnanian Enterprises, Inc.
Jonathan Rinde, Esquire, Manko, Gold, Katcher & Fox, LLP
Peter Thompson, President, K. Hovnanian Homes, Landover Group
Dan Judge, Vice President Operations, K. Hovnanian Homes, Landover Group

STORMWATER SELF-INSPECTION QUALITY ASSURANCE PLAN

LANDOVER GROUP

MARCH 2013

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I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed P. Don Potts

Title V.P. Quality

Table of Contents

Introduction

This Quality Assurance Plan (the "Plan") documents the steps that K. Hovnanian Enterprises, Inc. ("Hovnanian") will take to ensure the accuracy of the self-inspections conducted by its Site Stormwater Compliance Representatives ("SSWCR") at all Hovnanian sites located in Delaware, the District of Columbia, Maryland, Virginia and West Virginia as required by Item 3, Section 3 of the Administrative Order of Consent (EPA Docket No. CWA-03-2013-0067-DN).

This Plan was prepared by K. Hovnanian Homes, Landover Group. The primary goal of this Plan is to ensure the accuracy of erosion and sediment control self-inspections conducted to meet the requirements defined in the National Pollution Discharge Elimination System ("NPDES") permit authorizations issued to Hovnanian in the above referenced jurisdictions.

Unless otherwise noted herein, Hovnanian will implement this Plan for three years.

Elements of the Plan

The Plan documents the steps that will be taken to ensure the accuracy of the self-inspections conducted by the SSWCR. These steps will include the following components:

1) Training

   A. Annual Refresher Training
   B. Field Training for New Associates
   C. Individualized Training

2) Administrative review and oversight

   A. Stormwater Quality Assurance Inspections
   B. Annual Stormwater Compliance Assessment

1. Training

Hovnanian will ensure all SSWCR's in the affected geographic area receive targeted and site specific training to ensure the accuracy of self-inspection reports. In order to accomplish this objective, Hovnanian will implement the following procedures.

A. Annual Refresher Training

Each year, Hovnanian conducts Annual Refresher Training for all associates with stormwater compliance responsibilities; this training is mandatory and maintains the associates' stormwater certification, keeping it valid for an additional year. The

Annual Refresher Training curriculum is updated to address specific training needs that have been identified in the preceding year. One of the specific goals for the 2013 Annual Refresher Training was to ensure the accuracy of self-inspections. All previously-trained Hovnanian associates with stormwater compliance responsibilities completed this Annual Refresher Training before January 31, 2013. The 2013 Annual Refresher Training included the following Course Objectives:

1) Review core definitions of stormwater management.

2) Discuss the Fundamentals of Erosion Control Guidelines.

- Stone Tracking Pad
- Silt Fence
- Inspecting Best Management Practices (BMPs)
- Evidence of Sediment Leaving the Lot/Site
- Rill Erosion
- Concrete Wash Outs

3) Evaluate When to Conduct a Pre-Construction Inspection Review (PCIR)

4) Discuss the Appropriate Procedures to Conduct and Sign Site Self-Inspections.

5) Review 2012 Stormwater Policy Updates.

All new hires to Hovnanian with stormwater responsibilities will be required to take the 2013 Annual Refresher Training course in addition to the standard Stormwater training prior to assuming any stormwater compliance responsibility.

B. <u>Field Training for New Associates</u>

In addition to the standard stormwater training, all new hires to Hovnanian with stormwater responsibilities will also be required to participate in a Field Training exercise with Hovnanian's Stormwater Implementation Project Manager within thirty (30) days of assignment of any stormwater compliance responsibilities. This field training will be conducted on an active Hovnanian construction site. The training will focus on how to answer each question on the inspection report using 'real world' examples, and will provide the new hire with an understanding of how to accurately record the condition of a site through the inspection process and an appreciation for accuracy and completeness.

C. <u>Individualized Training</u>

Individualized, site specific, one-on-one training will be provided by the Division Stormwater Compliance Representative (DSWCR) to SSWCRs identified through

corporate oversight efforts. This individualized training will be custom tailored to meet the needs of the SSWCR as identified in the steps outlined below under Administrative Review and Oversight / Stormwater Quality Assurance Inspection.

2. Administrative Review and Oversight

The Hovnanian business units engaged in construction activities within the above referenced jurisdictions are the Delaware, Maryland and Virginia Divisions of the Landover Group ("Group"). The District of Columbia is part of the Maryland Division and West Virginia is part of the Virginia Division. Within the Hovnanian management structure, the Presidents of each of these Divisions report to a Group President. At the Group management level, they administer a number of support functions to these Divisions, including a Quality Assurance Department which oversees the quality of construction. The Group Director of Quality reports to the Group Vice President of Operations.

The Group Director of Quality and the staff of Quality Assurance Advisors will be stormwater trained within 30 days of implementation of this Plan and therefore fully qualified to conduct stormwater compliance inspections.

This section of the Plan includes two (2) components:

- A Stormwater Quality Assurance Inspection process.
- An Annual Stormwater Compliance Assessment.

A. Stormwater Quality Assurance Inspection

Upon implementation of this Plan, the Group Director of Quality, the staff of Quality Assurance Advisors, the appropriate DSWCR, the National Stormwater Compliance Representative, and any stormwater trained employee from the Corporate or Group level (collectively "Stormwater Assurance Inspectors") shall be able to perform a Stormwater Quality Assurance Inspection (SQAI). A SQAI will be performed on each active site within the above referenced jurisdictions within 90 days of implementation of this Plan. Subsequent SQAIs will be conducted at each active site no less than every 60 days thereafter and continue until the Group Director of Quality determines that the site self-inspections for each particular active site is consistently being performed correctly.

Procedure

The SQAI protocol will be for a Stormwater Assurance Inspector to conduct within 48 hours of a regularly scheduled periodic site self-inspection an additional site visit to perform a review of the regularly-scheduled site self-inspection report. The condition of the site observed during the SQAI will be compared to the most recent

site self-inspection report. The Stormwater Assurance Inspector shall review the findings of the SQAI with the SSWCR. This review shall specifically focus on site conditions, if any, that may not have been properly described on the site self-inspection report. Any significant discrepancies noted shall precipitate the following actions:

1) Hovnanian's National Stormwater Compliance Representative, the Landover Group Vice President of Operations, the appropriate Division President and the DSWCR shall be notified electronically that additional training should be conducted with the SSWCR.

2) The DSWCR will review the results of the SQAI with the appropriate Stormwater Assurance Inspector to determine what additional training needs to be provided. The DSWCR will provide additional one-on-one training to the SSWCR as necessary to ensure that the discrepancies noted from the SQAI do not occur during subsequent self-inspections.

3) The DSWCR, shall perform a SQAI on the site on a weekly basis for no less than four (4) weeks. This task may be delegated to any Stormwater Assurance Inspector. During this time, the SSWCR will continue with the permit-required self-inspections.

4) Following four (4) consecutive satisfactory DSWCR performed SQAIs, the DSWCR shall return the site to the 60 day SQAI interval.

B. <u>Annual Stormwater Compliance Assessment</u>

The Group Director of Quality shall conduct an annual stormwater compliance assessment of the Maryland, Delaware and Virginia Divisions, and present the results to Group management. This assessment shall identify areas, if any, in need of improvement and provide recommendations on whether the Divisions are in need of additional training. The Group President will follow-up on any recommendations made.